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Paper 40
Filed: 19 November 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RONALD S. COK, ANDREW D. ARNOLD
and DUSTIN WINTERS
Junior Party
(Patent 6,182,637),

v.

TAKESHI NISHI and ISHIMARU SHIBATA
Senior Party
(Application 10/601,793).

Patent Interference No. 105,668 (SCM)
(Technology Center 2800)

Before SALLY GARDNER LANE, SALLY C. MEDLEY and
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

1 On 16 November 2009, Nishi filed “NISHI COMMUNICATION”
2 (Paper 39) in which Nishi represents that it does not oppose Cok’s assertion
3 that Nishi lacks written description support for the claim term “light
4 absorbing”. (Paper 39 at 2:2-5). Nishi’s representation is construed as a
5 request for entry of adverse judgment. 37 C.F.R. § 41.127(b)(3). The
6 request is GRANTED.

7 Accordingly, it is

8 **ORDERED** that judgment as to the subject matter of Count 1
9 (Paper 1 at 4) is entered against Nishi;

10 **FURTHER ORDERED** that claims 79-85 of Nishi’s involved
11 application are FINALLY REFUSED, 35 U.S.C. § 135(a);

12 **FURTHER ORDERED** that the parties shall note the
13 requirements of 35 U.S.C. § 135(c) and Bd. R. 205; and

14 **FURTHER ORDERED** that a copy of this judgment be
15 entered in the administrative records of the involved Nishi application and
16 Cok patent.

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